

Agency 63

Kansas State Board of Mortuary Arts

Articles

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Article 1.—EMBALMING; CONTINUING EDUCATION OF EMBALMERS AND FUNERAL DIRECTORS

63-1-1. Definitions. (a) “Board” means the Kansas state board of mortuary arts.

(b) “Casket” means a rigid container that is designed for the encasement and burial of dead human bodies.

(c) “Disposition” means burial, cremation, or permanent delivery of a dead human body to a medical institution.

(d) “Embalmer” means any person licensed in embalming.

(e) “Apprentice embalmer” means any person that has passed the written Kansas embalmer examination.

(f) “Student embalmer” means any person that meets both of the following conditions:

(1) Is currently enrolled or has graduated from mortuary college with the intention of becoming an embalmer; and

(2) has registered with the board.

(g) “Embalming” means the chemical preparation of a dead human body for disposition. This term shall include all activities leading up to and including arterial and cavity embalming, including the setting of features, raising of vessels, and suturing of incisions.

(h) “Funeral service or funeral” means a religious service or other rite or ceremony with a dead human body present.

(i) “Suitable combustible container” means any receptacle or enclosure other than a casket that is

of sufficient strength to be used to hold and transport human remains. This term shall include the following enclosures:

(1) A cardboard container;

(2) a pressed wood container;

(3) a composition container; and

(4) a canvas pouch. (Authorized by K.S.A. 65-1730 and K.S.A. 2006 Supp. 74-1704; implementing K.S.A. 65-1703 and K.S.A. 65-1730; effective Jan. 1, 1966; amended Jan. 1, 1974; modified by L. 1978, ch. 465, May 1, 1978; amended May 1, 1979; amended May 1, 1982; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Jan. 6, 1992; amended Feb. 16, 2007.)

63-1-2. (Authorized by K.S.A. 74-7104; implementing K.S.A. 65-1701a, 74-1704; effective Jan. 1, 1966; amended May 1, 1976; amended May 1, 1982; revoked Nov. 13, 1995.)

63-1-3. Registration and apprenticeship. (a) In order to be granted an embalmer license, the following educational requirements shall be met: Each applicant shall enroll in an approved school of mortuary science offering at least an AA degree in mortuary science, while accumulating during this training at least 30 semester hours in mortuary science.

(b) Each person desiring to enter the practice of embalming dead human bodies within the state of Kansas shall apply to the board for a “certificate of registration” in order to take the embalmer’s examination. Application forms provided by the

board shall be used. Each application form shall be accompanied by the following:

(1) Official transcripts from approved institutions of higher learning showing that the applicant has met the educational requirements of K.S.A. 65-1701a, and amendments thereto, or their equivalent;

(2) verification that the applicant completed a mortuary science program that results in at least an AA degree in mortuary science and is accredited by the American board of funeral service education; and

(3) the fee as prescribed in K.A.R. 63-4-1.

(c) The applicant may file a "certificate of completion" in lieu of a transcript if a transcript is unavailable at the time of application. A transcript shall be filed with the board before beginning the apprenticeship.

(d) Upon passing the examination, each applicant shall be registered under a licensed Kansas embalmer or embalmers or an embalmer who is approved by the board for an embalmer apprenticeship. Each licensee under whom an apprentice is registered shall file quarterly reports of progress with the board. Upon successful completion of the apprenticeship and payment of the prorated biennial fee, an embalmer's license shall be issued by the board. An apprentice embalmer shall successfully complete one year of apprenticeship in the practice of embalming dead human bodies in order to be qualified for an embalmer license. In order for an embalmer apprenticeship to be successfully completed, all of the following requirements shall be met:

(1) The apprentice shall file quarterly progress reports with the board on forms approved by the board concerning the apprentice's progress in the practice of embalming.

(2) The supervising embalmer shall file quarterly progress reports with the board on forms approved by the board concerning the apprentice's progress in the practice of embalming.

(3) The progress reports of the apprentice and supervising embalmer shall be reviewed by the board to assist in determining if the apprentice's progress in the practice of embalming is acceptable or unacceptable.

(e) If either the apprentice or the supervising embalmer fails to timely submit a quarterly report to the board, that quarter shall not be counted toward successful completion of the apprenticeship. Timely submission of a quarterly report shall

be within 10 days following the conclusion of the quarter.

(f) At the conclusion of one year of apprenticeship, the apprentice shall be required to appear before the board. If the board determines acceptable progress by the apprentice in the practice of embalming in each quarter of the apprenticeship, the apprentice shall be granted a license to practice embalming. If the board determines that the progress of the apprentice is unacceptable in one or more quarters of the apprenticeship, the apprentice shall be required to successfully complete one or more additional quarters of an embalming apprenticeship.

(g) Each transcript and record filed with the board shall become part of the board's permanent files and records.

(h) If the applicant does not pass the examination within two years from the date of first application, that application shall automatically expire. Time served in the armed forces shall not be counted in computing this period. If the applicant desires to reapply, the applicant shall make a new application in accordance with subsection (b).

(i) If an apprentice embalmer fails to complete the apprenticeship within two years following the successful completion of the examination, the apprenticeship shall expire. An extension of up to one year may be granted by the board in cases of illness or other extraordinary circumstances. Each application for extension shall be submitted on the form provided by the board. Time served in the armed forces shall not be counted in computing this period. If the applicant later desires to complete the apprenticeship, the applicant shall first retake and pass the embalmer's examination.

(j) Each applicant who passes the examination shall receive credit toward the apprenticeship for time spent in the armed forces if the applicant's primary duties were preparation of, and caring for, dead human bodies under the supervision of a person holding a valid embalmer's license in any state. This supervising licensee shall certify as to the duties of the applicant on forms approved by the board.

(k) Each embalmer apprentice shall serve full-time. "Full-time" means employed 40 hours per week for 50 weeks per year and available to assist in embalming 24 hours per day. (Authorized by K.S.A. 65-1730; implementing K.S.A. 1999 Supp. 65-1701a; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1969; amended Jan. 1, 1974; amended, E-76-14, Feb. 28, 1975; amended

May 1, 1976; amended May 1, 1978; amended May 1, 1982; amended May 1, 1983; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended June 26, 1989; amended March 19, 1990; amended Jan. 6, 1992; amended June 7, 1993; amended Dec. 6, 1993; amended April 3, 1995; amended Jan. 12, 2001.)

63-1-4. Examination. Only applicants who have met the requirements of K.S.A. 65-1701a, and amendments thereto, and K.A.R. 63-1-3 may take the embalmer's examination approved by the board, which is the examination administered by the international conference of funeral service examining boards. In order to pass the examination, each applicant shall receive a score of at least 75 in the funeral service arts section and in the funeral service science section. Each applicant shall be required to pass both sections of the examination to be eligible for apprenticeship and licensure. (Authorized by K.S.A. 65-1730; implementing K.S.A. 65-1701a, as amended by L. 2004, ch. 57, sec. 3; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1987; amended June 26, 1989; amended March 19, 1990; amended July 1, 1993; amended Jan. 12, 2001; amended Nov. 12, 2004.)

63-1-5. Requirements for a reciprocal embalmer's license. Each applicant who is currently licensed in another state and desires reciprocal licensure as an embalmer in Kansas shall obtain all necessary original documents required for licensure under K.S.A. 65-1701b and amendments thereto. These original documents shall be delivered with the application and fee to the board by the 15th of the month before the quarterly meeting of the board at which the application will be considered. (Authorized by K.S.A. 65-1730; implementing K.S.A. 65-1701b; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1982; modified, L. 1983, ch. 351, May 1, 1983; amended May 1, 1987; amended May 1, 1988; amended Jan. 12, 2001.)

63-1-6. General rule relating to the practice of embalming and funeral directing.

(a) Following the loss or destruction of the license of any embalmer, funeral director, assistant funeral director, or establishment or branch establishment, a duplicate license shall be issued by the board upon the licensee's written request and payment of the duplicate license fee specified in K.A.R. 63-4-1.

(b) Each licensee shall promptly notify the board of all changes in the licensee's address.

(c) Each licensee shall promptly and fully cooperate at all times with the state department of health and environment and with the board in all matters pertaining to the general practice of embalming.

(d) Any licensee's name may be used in the form of an endorsement of a funeral plan if the recommendation is genuine and representative of the current opinion of the licensee. The endorsement shall apply to the plan advertised. The licensee making the recommendation shall disclose to the public any financial interest in the plan or a related entity, or any direct or indirect benefit as a stockholder, officer, or employee.

(e) A licensee shall not be connected in any way with an insurance company if either of the following conditions is met:

(1) Policies are payable in merchandise, or require the service of a designated funeral director or a member of a designated group of funeral directors.

(2) The certificate or policy of that company provides for a reduction on the value of merchandise or services furnished or the price to be paid for them. (Authorized by K.S.A. 65-1730, K.S.A. 74-1704, K.S.A. 74-1707; implementing K.S.A. 65-1701, K.S.A. 65-1730, K.S.A. 74-1707; effective Jan. 1, 1966; modified, L. 1979, ch. 345, May 1, 1979; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended May 1, 1988; amended June 26, 1989; amended Jan. 12, 2001.)

63-1-7. (Authorized by and implementing K.S.A. 65-1711a; effective Jan. 1, 1966; amended Jan. 1, 1974; modified, L. 1978, ch. 465, May 1, 1978; amended May 1, 1987; revoked, T-88-43, Oct. 27, 1987; revoked May 1, 1988.)

63-1-8. (Authorized by and implementing K.S.A. 65-1711a, 74-1704; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1982; amended May 1, 1984; amended May 1, 1986; amended May 1, 1987; revoked May 1, 1988.)

63-1-9. (Authorized by K.S.A. 74-1704; effective Jan. 1, 1966; revoked May 1, 1982.)

63-1-10. (Authorized by K.S.A. 74-1704; effective Jan. 1, 1966; amended Jan. 1, 1974; amended May 1, 1978; revoked May 1, 1982.)

63-1-11. (Authorized by K.S.A. 74-1704; effective Jan. 1, 1966; revoked May 1, 1976.)

63-1-12. Embalmer's biennial renewals.

(a) Each embalmer license renewal fee shall be paid on a biennial basis. Each renewal fee shall be initially prorated to the nearest whole month, to establish the biennial renewal process.

(b) Each expiration date shall be assigned alphabetically according to the first letter of the licensee's surname, as follows:

- (1) A and M shall expire on January 31.
- (2) B and N shall expire on February 28.
- (3) C and O shall expire on March 31.
- (4) D and P shall expire on April 30.
- (5) E and Q shall expire on May 31.
- (6) F and R shall expire on June 30.
- (7) G and S shall expire on July 31.
- (8) H and T shall expire on August 31.
- (9) I and U shall expire on September 30.
- (10) J and V shall expire on October 31.
- (11) K and W shall expire on November 30.
- (12) L, X, Y, and Z shall expire on December 31.

Each licensee whose surname begins with the letters A through L shall renew in even-numbered years; M through Z shall renew in odd-numbered years.

(c) (1) Any license that expires may be reinstated within six months of the expiration date upon payment of the renewal fee in arrears and a reinstatement fee in the amount equal to the renewal fee.

(2) Each licensee shall make up all past continuing education hours accrued during the expiration period within one year of reinstatement.

(d) Subsection (a) shall not apply to apprentice licensees or the period of apprenticeship under K.S.A. 65-1701a and amendments thereto. The initial licensure fee for new embalmers shall be charged on a pro rata basis in order to place new licensees within the expiration dates of subsection (b).

(e) Each licensee changing the licensee's surname shall notify the board of the change, and the expiration date shall be adjusted to the month so designated in subsection (b). (Authorized by and implementing K.S.A. 65-1702; effective, E-80-17, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1986; amended May 1, 1988; amended June 26, 1989; amended Jan. 6, 1992; amended Jan. 12, 2001.)

63-1-13. (Authorized by K.S.A. 65-1712,

65-1723; implementing K.S.A. 65-1702, 65-1716; effective, E-81-41, Dec. 17, 1980; modified, L. 1981, ch. 410, May 1, 1981; revoked May 1, 1982.)

63-1-14. (Authorized by K.S.A. 65-1712, 65-1723; implementing K.S.A. 65-1702, 65-1716; effective, E-81-41, Dec. 17, 1980; modified, L. 1981, ch. 410, May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1987; revoked May 1, 1988.)

63-1-15. (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective, E-81-41, Dec. 17, 1980; modified, L. 1981, ch. 410, May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1987; revoked May 1, 1988.)

63-1-16. (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective, E-81-41, Dec. 17, 1980; modified, L. 1981, ch. 410, May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1987; revoked May 1, 1988.)

63-1-17. (Authorized by K.S.A. 65-1712, 65-1723; implementing K.S.A. 65-1702, 65-1716; effective, E-81-41, Dec. 17, 1980; modified, L. 1981, ch. 410, May 1, 1981; amended May 1, 1982; revoked May 1, 1988.)

63-1-18. (Authorized by K.S.A. 65-1723; implementing K.S.A. 65-1702, 65-1716; effective, E-81-41, Dec. 17, 1980; modified, L. 1981, ch. 410, May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1987; revoked May 1, 1988.)

63-1-19. (Authorized by K.S.A. 65-1712; implementing K.S.A. 65-1702; effective, E-81-41, Dec. 17, 1980; rejected, L. 1981, ch. 410, May 1, 1981.)

63-1-20. (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective, E-81-41, Dec. 17, 1980; modified, L. 1981, ch. 410, May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1987; revoked May 1, 1988.)

63-1-21. (Authorized by K.S.A. 65-1712, 65-1723; implementing K.S.A. 65-1702, 65-1716; effective, E-81-41, Dec. 17, 1980; modified, L. 1981, ch. 410, May 1, 1981; amended May 1, 1982; revoked May 1, 1988.)

63-1-22. (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective, E-81-41, Dec. 17, 1980; modified, L. 1981, ch. 410, May 1, 1981;

amended May 1, 1982; amended May 1, 1987; revoked May 1, 1988.)

63-1-23. Requirements for an embalmer's license by endorsement. (a) Each applicant who is currently licensed in another state and desires licensure as an embalmer by endorsement in Kansas shall provide the board with the following information:

(1) Proof of licensure as an embalmer in another state for at least five consecutive years;

(2) completion of five consecutive years of active practice in embalming within the past five years;

(3) proof of having passed the national board examination (N.B.E.) of the international conference of funeral service examining boards; and

(4) verification that no adverse action has been taken against the licensee by any state board in which licensure is or has been held.

(b) Each applicant shall submit the information specified in paragraphs (a) (1), (2) and (4) on applications provided by the state board.

(c) Each applicant shall have the information specified in paragraph (a) (3) sent directly to the board by the international conference of funeral service examining boards.

(d) The applications, fee, and proof of passing the national examination shall be delivered to the board by the 15th of the month before the quarterly meeting of the board, at which the applicant shall meet with the board and the application shall be considered. (Authorized by K.S.A. 65-1712; implementing K.S.A. 2001 Supp. 65-1727; effective May 17, 2002.)

Article 2.—FUNERAL DIRECTING

63-2-1. Embalming regulations adopted. The following regulations of this board relating to the subject of embalming and any amendments thereto are adopted and incorporated herein by reference, and made a part of the regulations of this board on the subject of funeral directing, so far as the same are applicable: K.A.R. 63-1-1, K.A.R. 63-1-6, and K.A.R. 63-1-8. (Authorized by K.S.A. 65-1722, 74-1704, 74-1707; implementing K.S.A. 65-1714, 65-1722, 74-1707; effective Jan. 1, 1966; amended May 1, 1979; amended May 1, 1987.)

63-2-2. (Authorized by K.S.A. 74-1704; effective Jan. 1, 1966; amended May 1, 1976; revoked Nov. 13, 1995.)

63-2-3. Responsibilities of funeral director. (a) A Kansas funeral director shall not have charge of more than one funeral establishment.

(b) Any Kansas licensed funeral director owning or having an interest in more than one Kansas funeral establishment shall employ at all times, for each of these establishments, a Kansas licensed funeral director, who shall have personal supervision and charge of the establishments.

(c) A funeral, or any portion of it, and all attendant funeral arrangements shall not be conducted without a licensed funeral director or assistant funeral director being present. (Authorized by K.S.A. 74-1704; implementing K.S.A. 65-1713a; effective Jan. 1, 1966; amended Jan. 1, 1967; amended May 1, 1978; amended May 1, 1982; amended May 1, 1983; amended May 1, 1987; amended April 3, 1995.)

63-2-4 and 63-2-5. Not in active use.

Editor's Note:

Effective May, 1, 1977, regulations 63-2-4 and 63-2-5 revoked by reference, see regulations 63-2-10, 63-2-11 and 63-2-12.

63-2-6. (Authorized by K.S.A. 74-1704; effective Jan. 1, 1966; revoked May 1, 1982.)

63-2-7. General rule relating to the practice of funeral directing. (a) Only persons licensed under the laws of the state of Kansas as funeral directors or assistant funeral directors shall be employed as funeral directors or assistant funeral directors or hold themselves out to the public or advertise as funeral directors or assistant funeral directors within the state of Kansas.

(b) All licensees shall promptly notify the secretary of the board of all changes in their addresses. A licensee shall notify the secretary of the board before that licensee's funeral establishment or branch establishment is sold or discontinued, or if that licensee's connection with a funeral establishment or branch establishment is to be terminated. (Authorized by K.S.A. 65-1730, K.S.A. 74-1704; implementing K.S.A. 65-1730, K.S.A. 74-1704; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1982; amended Jan. 12, 2001.)

63-2-8. (Authorized by K.S.A. 74-1704; implementing K.S.A. 65-1722; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1987; revoked, T-88-43, Oct. 27, 1987; revoked May 1, 1988.)

63-2-9. (Authorized by K.S.A. 74-1704; effective Jan. 1, 1966; revoked May 1, 1979.)

63-2-10. Requirements for a funeral director's license. (a) Before serving an apprenticeship toward a funeral director's license, each prospective funeral director apprentice shall submit a transcript to the board showing that the prospective funeral director apprentice has earned prior credit of not less than 60 semester hours at a community college, college, or university that is accredited by an accrediting agency recognized by the United States commissioner of education as the proper agency for accrediting such a school.

(b) The 60 semester hours earned shall include a minimum of the following:

- (1) Six semester hours of humanities;
- (2) six semester hours of social science;
- (3) four semester hours of natural science;
- (4) two semester hours of business; and
- (5) two semester hours of fine arts.

(c) The prospective funeral director apprentice may select the remaining 40 semester hours. (Authorized by K.S.A. 65-1730; implementing K.S.A. 65-1714; effective May 1, 1976; amended Nov. 13, 1995; amended Jan. 12, 2001.)

63-2-11. Requirements for a reciprocal funeral director's license. Each applicant who is currently licensed in another state and desires reciprocal licensure as a funeral director in Kansas shall obtain all necessary original documents required for licensure under K.S.A. 65-1721 and amendments thereto. These original documents shall be delivered with the application and fee to the board by the 15th of the month before the quarterly meeting of the board at which the application will be considered. (Authorized by K.S.A. 65-1730; implementing K.S.A. 65-1721; effective May 1, 1976; amended May 1, 1978; amended May 1, 1982; modified, L. 1983, ch. 351, May 1, 1983; amended May 1, 1987; amended Jan. 12, 2001.)

63-2-12. Funeral director apprenticeship. "Funeral director apprentice" means a licensed assistant funeral director who is completing practical experience in funeral directing under the supervision of a licensed funeral director.

(a) Embalmer and funeral director apprenticeships may be served concurrently upon appropriate licensure and registration with the board.

(b) A funeral director apprentice shall be licensed as an assistant funeral director, registered

under a licensed funeral director, and employed at the funeral director's funeral establishment or branch establishment full-time. "Full-time" means employed 40 hours per week for 50 weeks per year and available to assist in funeral directing 24 hours per day.

(c) Any time served in a funeral director apprenticeship under the direction or supervision of any person other than a Kansas-licensed funeral director shall not be credited by the board toward the apprenticeship requirements.

(d) Each funeral director apprentice and the supervising licensed funeral director shall notify the board if the apprentice leaves the employ of the funeral director or if the apprenticeship is terminated for any other reason before completion. A supervising licensed funeral director who fails or refuses to so notify the board without showing just cause to the board shall not subsequently be considered eligible to supervise a funeral director apprentice.

(e) If the licensed funeral director dies during the apprenticeship, three affidavits from reputable citizens having knowledge of the apprenticeship may be accepted by the board in lieu of the funeral director's verification of apprenticeship. These affidavits shall include the dates of the apprenticeship.

(f) An apprentice funeral director shall successfully complete one year of apprenticeship in the practice of funeral directing in order to be qualified for a funeral director license. In order for the apprenticeship to be successfully completed, all of the following requirements shall be met:

(1) The apprentice shall file quarterly progress reports with the board on forms approved by the board concerning the apprentice's progress in the practice of funeral directing.

(2) The supervising funeral director shall file quarterly progress reports with the board on forms approved by the board concerning the apprentice's progress in the practice of funeral directing.

(3) The progress reports of the apprentice and supervising funeral director shall be reviewed by the board to assist in determining if the apprentice's progress in the practice of funeral directing is acceptable or unacceptable.

(g) If either the apprentice or supervising funeral director fails to timely submit a quarterly report to the board, that quarter shall not be counted toward successful completion of the ap-

prenticeship. Timely submission of a quarterly report shall be within 10 days following the conclusion of the quarter.

(h) At the conclusion of one year of apprenticeship, the apprentice shall be required to appear before the board. If the board determines that progress of the apprentice is unacceptable in one or more of the quarters of the apprenticeship, the apprentice shall be required to successfully complete one or more additional quarters of the funeral director apprenticeship.

(i) Each apprentice funeral director shall meet the educational requirements specified in K.A.R. 63-2-10 and then successfully complete a funeral director apprenticeship to be considered eligible to take the funeral director examination. (Authorized by K.S.A. 65-1723; implementing K.S.A. 65-1714, 65-1717; effective May 1, 1976; amended May 1, 1980; amended May 1, 1987; amended April 3, 1995; amended Jan. 12, 2001.)

63-2-13. Funeral director's license examination. (a) The funeral director's license examination shall consist of the following subjects:

- (1) mortuary law and business law;
- (2) sociology of funeral service;
- (3) psychology;
- (4) mortuary administration;
- (5) accounting;
- (6) Kansas and federal laws pertaining to funeral directing and pre-need funeral agreements.

(b) Each applicant shall obtain a minimum score of 75% before the issuance of a funeral director's license.

(c) If the applicant fails the examination, the applicant shall be allowed to take the exam at the next regularly scheduled exam date without submitting a new examination fee. If the applicant fails the second examination or fails to appear for it, then the applicant may make a new application, pay another examination fee, and take the examination. (Authorized by and implementing K.S.A. 65-1714 and 65-1730; effective May 1, 1976; amended May 1, 1978; amended May 1, 1980; amended May 1, 1988; amended Nov. 13, 1995.)

63-2-14. Funeral director's biennial renewals. (a) Each funeral director's license shall be renewed on a biennial basis.

(b) Expiration dates shall be established alphabetically according to the first letter of each licensee's surname, as follows:

- (1) A and M shall expire on January 31;
- (2) B and N shall expire on February 28;

- (3) C and O shall expire on March 31;
- (4) D and P shall expire on April 30;
- (5) E and Q shall expire on May 31;
- (6) F and R shall expire on June 30;
- (7) G and S shall expire on July 31;
- (8) H and T shall expire on August 31;
- (9) I and U shall expire on September 30;
- (10) J and V shall expire on October 31;
- (11) K and W shall expire on November 30;

and

- (12) L and X, Y, and Z shall expire on December 31.

Each licensee whose surname begins with letter A through L shall renew on even-numbered years. Each licensee whose surname begins with letter M through Z shall renew on odd-numbered years.

(c) Any expired license within six months of the date of expiration may be reinstated upon payment of the renewal fee in arrears and a reinstatement fee in an amount equal to the renewal fee.

(d) Each licensee shall make-up all past continuing education hours accrued during the expiration period within one year of reinstatement.

(e) Each licensee changing the licensee's surname shall notify the secretary to the board of the change and the expiration date shall be adjusted to the month designated in subsection (b). (Authorized by and implementing K.S.A. 65-1716; effective, E-80-17, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1987; amended June 26, 1989.)

63-2-15. Assistant funeral directors biennial renewals. (a) All assistant funeral directors licenses shall be paid on a biennial basis. The board of mortuary arts shall prorate to the nearest whole month all renewal fees on a one time basis, in order to establish the biennial renewal process for the calendar year 1980.

(b) Expiration dates will be done alphabetically according to the first letter of the licensees surname, as follows:

- (1) A and M shall expire on January 31;
- (2) B and N shall expire on February 28;
- (3) C and O shall expire on March 31;
- (4) D and P shall expire on April 30;
- (5) E and Q shall expire on May 31;
- (6) F and R shall expire on June 30;
- (7) G and S shall expire on July 31;
- (8) H and T shall expire on August 31;
- (9) I and U shall expire on September 30;
- (10) J and V shall expire on October 31;
- (11) K and W shall expire on November 30;

(12) L and XYZ shall expire on December 31; Renewal surname letters A through L will renew on even numbered years; M through Z will renew on odd numbered years.

(c) Licensees changing their surnames shall notify the secretary to the board of the change and the expiration date shall be adjusted to the month designated in section (b). (Authorized by and implementing K.S.A. 65-1717; effective, E-80-17, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1986; amended May 1, 1987.)

63-2-16 to 63-2-25. (Authorized by K.S.A. 65-1723; implementing K.S.A. 65-1716; effective, E-81-41, Dec. 17, 1980; rejected, L. 1981, Ch. 410, May 1, 1981.)

Editor's Note:

Regulations 63-2-16 to 63-2-25 are now included in regulations 61-1-13 to 61-1-22.

63-2-26. Assistant funeral director's license examination. (a) The assistant funeral director's license examination shall cover the following subjects:

(1) The Kansas laws pertaining to funeral directing;

(2) the Kansas laws pertaining to preneed funeral agreements; and

(3) the federal laws pertaining to funeral directing, including the federal trade commission's funeral rule.

(b) Each applicant shall be required to obtain a score of at least 75% on the assistant funeral director's license examination.

(c) If an applicant fails the examination, the applicant shall be allowed to retake the exam at the next regularly scheduled exam date by submitting a new examination application on or before the 15th of the month before the month in which the next exam is scheduled. If the applicant fails the second examination or fails to appear for the second examination, the applicant shall be required to submit a new examination application and another examination fee on or before the 15th of the month before the month in which the next exam is scheduled. (Authorized by and implementing K.S.A. 65-1717, as amended by L. 2007, ch. 87, §1; effective Feb. 8, 2008.)

Article 3.—PREPARATION AND TRANSPORTATION OF BODIES, BURIAL IN MAUSOLEUMS AND FUNERAL ESTABLISHMENTS

63-3-1 to 63-3-8. (Authorized by K.S.A. 74-1704; effective Jan. 1, 1966; revoked Jan. 1, 1969.)

63-3-9. Embalming fluids and compounds. Fluids or compounds which contain arsenic, lead, mercury, zinc, silver, antimony, chloral, or any poisonous alkaloid shall not be used in the embalming of a dead human body. (Authorized by and implementing K.S.A. 65-1712; effective Jan. 1, 1969; amended May 1, 1978; amended Nov. 13, 1995.)

63-3-10. Death from infectious or contagious diseases. (a) Each embalmer and funeral director shall, at all times, undertake and be responsible for appropriate precautionary measures to prevent the spread of infectious or contagious diseases from deceased human bodies to employees of mortuary establishments, to persons under contract to provide services involved in the preparation and handling of dead human bodies, and to the general public.

(b) When death has occurred from meningococcal infection, Ebola virus infection, Lassa fever, anthrax, rabies, brucellosis, or any other infectious or contagious disease known to be transmissible from human corpses to living humans as determined by the secretary of the department of health and environment, the body shall be handled and prepared by a licensed Kansas embalmer. If any of the above-described infections occurred or was reasonably suspected to be present at the time of death, the body shall be embalmed and placed in a casket or suitable combustible container before transporting and final disposition.

(c) Any body dead from one of the above-described infectious diseases may be cremated or buried without embalming if final disposition takes place within 24 hours of death. Each unembalmed body to be buried within 24 hours following death shall be placed in a metal-lined, hermetically sealed container before burial. Each unembalmed body to be cremated within 24 hours following death shall be placed in a suitable combustible container. (Authorized by and implementing K.S.A. 65-1712, K.S.A. 74-1704; effective Jan. 1, 1969; amended May 1, 1978; modified, L. 1979, ch. 353, May 1, 1979; amended May 1, 1988; amended June 7, 1993; amended Aug. 15, 1997.)

63-3-11. Preparation and transportation of dead human bodies. A dead human body shall not be transported by private conveyance or common carrier until the following conditions are met. (a) Any unembalmed body re-

leased by the family or proper authority, other than a body dead with an infectious or contagious disease, may be transported by private conveyance within the state of Kansas if:

(1) A certificate of death has been filed according to laws and regulations set forth by the Kansas state department of health and environment; and

(2) after the body has been released to a funeral director, any transportation is supervised personally by the funeral director.

(b) In addition to meeting the requirements of subsection (a), each body dead with an infectious or contagious disease shall be handled pursuant to K.A.R. 63-3-10 prior to being transported by private conveyance or common carrier.

(c) A body dead from any cause may be transported by common carrier if:

(1) The body has been prepared and properly disinfected by arterial and cavity injection with an approved disinfecting fluid having a minimum phenol coefficient equal to that of a five percent formaldehyde solution. The amount of the fluid injected shall not be less than $\frac{1}{10}$ of the body weight;

(2) all body orifices have been disinfected and plugged with dry cotton;

(3) the body has been washed with five percent formaldehyde or other disinfectant of equivalent coefficient; and

(4) the body is encased in a shipping case which is acceptable under the rules of the common carrier.

(d) A body dead from any cause may be interred or cremated without embalming if interment or cremation is within 24 hours of death. A reasonable period of time beyond 24 hours may be permitted if:

(1) religious beliefs, laws or customs do not permit transportation or interments on Sabbath or holy days; and

(2) no health hazard or nuisance will result from such a delay. Each body dead with an infectious or contagious disease shall be handled pursuant to K.A.R. 63-3-10.

(e) A body dead from any cause other than infectious or contagious disease may be interred or cremated without embalming if embalming would violate personal or religious beliefs and a health hazard or nuisance will not result. An unembalmed body may be retained in storage at a constant temperature of less than 40 degrees Fahrenheit. When that body is removed from storage and transported, the body shall reach its final desti-

nation within 24 hours following the removal from storage. If the body is placed in a metal or metal-lined hermetically sealed container immediately after death, the body may be considered an embalmed body, for the purpose of transportation.

(f) If a casket has not been used in the preparation and transportation of a body that is to be cremated, the body shall be placed in a suitable combustible container which shall be permanently closed before being released to a receiving crematory.

(g) This regulation shall not apply to bodies donated to the university of Kansas school of medicine. (Authorized by and implementing K.S.A. 65-1712, K.S.A. 74-1704, K.S.A. 65-1723; effective Jan. 1, 1960; amended, E-72-6, Dec. 17, 1971; amended Jan. 1, 1973; amended May 1, 1976; amended May 1, 1978; modified, L. 1979, ch. 353, May 1, 1979; amended Jan. 6, 1992; amended June 7, 1993.)

63-3-12. Mangled, burned, and decomposed bodies. Any body which is so badly mangled, burned, decomposed or partially decomposed that it cannot be prepared pursuant to K.A.R. 63-3-11 shall not be transported from a licensed funeral establishment until it is first thoroughly disinfected by a disinfecting compound or preservative and placed in a non-permeable container. (Authorized by and implementing K.S.A. 65-1712; effective Jan. 1, 1969; modified, L. 1976, Ch. 331, § 1, May 1, 1976; amended May 1, 1978; amended Nov. 13, 1995.)

63-3-13. Disinterment. Disinterred remains transported by common carrier or by private conveyance shall be subject to K.A.R. 63-3-11 and K.A.R. 63-3-15. (Authorized by and implementing K.S.A. 65-1703, as amended by 1995 HB 2163, and 65-1712; effective Jan. 1, 1969; amended May 1, 1978; amended, T-88-43, Oct. 27, 1987; amended May 1, 1988; amended Nov. 13, 1995.)

63-3-14. (Authorized by K.S.A. 74-1704; effective Jan. 1, 1969; revoked Nov. 13, 1995.)

63-3-15. Dead bodies in transit. (a) Each dead human body entering the state of Kansas via any common carrier or private conveyance shall be transported in compliance with the embalming and transportation rules of the state from which the body was shipped including a removal permit if required.

(b) Any person, agent or owner of any common

carrier or private conveyance, who is in charge of any dead human body that is in transit, has not been properly prepared or embalmed, and has become offensive or dangerous to public health, shall refuse to continue transportation until the body has been properly prepared, so that public health is not endangered. (Authorized by and implementing K.S.A. 65-1703, as amended by 1995 HB 2163, and 65-1712; effective Jan. 1, 1969; amended Nov. 13, 1995.)

63-3-16. Burial in mausoleum. Each dead human body shall be embalmed in accordance with K.A.R. 63-3-11 before it may be placed in a mausoleum. (Authorized by and implementing K.S.A. 65-1712; effective Jan. 1, 1969; amended May 1, 1978; amended Nov. 13, 1995.)

63-3-17. Services and merchandise pricing. (a) Each funeral service casket in the casket selection room shall have a card or brochure that sets forth the price of the service using that casket and lists the services and any other merchandise included in the price. If there are separate prices for the casket, services, or the use of facilities and equipment, the card shall indicate the price of the casket and of each item separately priced.

(b) If a funeral service establishment uses the facilities of a manufacturer, jobber, or other place where caskets are displayed for selection, the funeral licensee conducting the service shall place the cards or brochures required by subsection (a) in the caskets before any selection is made by those arranging a funeral.

(c) Each funeral service licensee shall give to the person or persons making funeral arrangements a written price statement signed by the licensee or a representative of the funeral establishment or branch establishment. The written statement shall be provided at the time funeral arrangements are made or before the merchandise or services are provided. This written statement shall show the following information:

(1) The price of the service that the family has selected and the services that are included in it;

(2) the price of each of the supplemental items of service or merchandise, or both, requested; and

(3) the amount involved for each of the items for which the funeral director can advance funds as an accommodation to the family, insofar as any of the above can be specified at that time.

(d) Funeral service rental caskets shall be separately designated with a card or brochure in each casket and shall be designated as rental caskets on

the casket price list. (Authorized by and implementing K.S.A. 65-1723, K.S.A. 65-1730; effective Jan. 1, 1974; amended May 1, 1978; amended May 1, 1982; amended Jan. 6, 1992; amended Jan. 12, 2001.)

63-3-18. Requirements for the funeral establishment and branch establishment. (a) Necessary equipment. Every funeral establishment and branch establishment shall possess and keep on the premises any equipment that the board deems necessary for the conduct of business and the protection of the public health. This equipment shall be kept in good working condition.

(b) Sanitary conditions. All portions of each funeral establishment and branch establishment shall be kept in a clean and sanitary condition.

(c) Preparation room.

(1) Every funeral establishment shall maintain, on the premises, a preparation or embalming room. The preparation or embalming room shall be adequately equipped and maintained in a sanitary manner and shall be used only for the preservation and care of dead human bodies. This room shall contain only those articles, facilities, and instruments necessary for the preparation of dead human bodies for burial or final disposition. Those articles, facilities, and instruments shall be kept in a clean and sanitary condition.

(2) The minimal requirements for a preparation or embalming room shall be as follows:

(A) Each preparation or embalming room shall be equipped with the following:

(i) A sanitary floor made of nonporous material;

(ii) adequate ventilation;

(iii) suitable and sanitary material, methods, and equipment, which shall be used to clean and disinfect all embalming instruments;

(iv) running hot and cold water;

(v) an exhaust fan. This exhaust fan shall be permanently installed, operable, and sufficiently powerful to effectively reduce the formaldehyde concentration in the room;

(vi) sanitary plumbing connected with a sewer or cesspool; and

(vii) a porcelain, stainless steel, metal-lined, or fiberglass operating table.

(B) All opening windows and outside doors shall have opaque glass.

(C) Each hydro-aspirator shall be equipped with at least one air breaker.

(D) Containers for refuse, trash, and soiled linens shall be covered or sealed at all times.

(E) The funeral establishment or branch establishment license shall be prominently displayed at all times.

(3) Each preparation room entrance shall be able to be locked and shall display a sign indicating private or restricted entry. (Authorized by K.S.A. 65-1723; implementing K.S.A. 1999 Supp. 65-1713a and K.S.A. 65-1723; effective May 1, 1976; amended May 1, 1978; amended May 1, 1982; amended May 1, 1984; amended Jan. 12, 2001.)

63-3-19. Establishment and branch establishment licenses; biennial renewals. (a) Each establishment and branch establishment license shall be renewed on a biennial basis.

(b) Each establishment and branch establishment license shall be renewed before its expiration date according to the first letter of the establishment and branch establishment license surname, as follows:

(1) H through J and T through Z shall expire on March 31;

(2) E through G and R through S shall expire on June 30;

(3) C, D, and N through Q shall expire on September 30; and

(4) A, B, and K through M shall expire on December 31.

Each license with a surname beginning with letters A through J shall expire in odd-numbered years. Each license with a surname beginning with letters K through Z shall expire in even-numbered years.

(c) At least 30 days before a change of ownership, name, or location of any establishment or branch establishment, the funeral director in charge shall apply for an establishment or branch establishment license. The funeral director in charge shall also submit a report of any prefinanced funeral agreements which were transferred with the establishment. The funeral director in charge shall receive a new license before conducting funeral business under new ownership, under a new name, or in a new location.

(d) When a change of ownership of an establishment or branch establishment occurs, the funeral director in charge shall submit a new license application fee pro-rated in accordance with subsection (b).

(e) For a name change of an establishment or branch establishment, the funeral director in

charge shall submit a license fee for a new license. The license fee shall be pro-rated in accordance with subsection (b) with a credit given towards the pro-rated fee based on all unused months of the previous license.

(f) For a location change of an establishment or branch establishment, the funeral director in charge shall submit a duplicate license fee for the amount specified in K.A.R. 63-4-1.

(g) Each initial establishment or branch establishment license fee shall be charged on a pro-rated basis to the nearest whole month under subsection (b).

(h) Each establishment or branch establishment renewal shall be judged delinquent on midnight of the expiration date and may only be renewed after that day by payment of the renewal fee and a reinstatement fee in an amount equal to the renewal fee. (Authorized by K.S.A. 65-1730; implementing K.S.A. 65-1729, as amended by 1995 HB 2163, and K.S.A. 65-1730; effective, E-80-17, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1985; amended Jan. 6, 1992; amended June 7, 1993; amended Nov. 13, 1995.)

63-3-20. Reporting of prefinanced funeral agreements. (a) Each funeral director in charge of a funeral establishment or branch establishment licensed in the state of Kansas shall report to the state board of mortuary arts, on forms provided by the board, the following information concerning prefinanced funeral agreements entered into pursuant to K.S.A. 16-301 through K.S.A. 16-309 and amendments thereto:

(1) The numbers that identify the accounts, in the records of the funeral establishment or branch establishment, of each purchaser of merchandise and services pursuant to these agreements;

(2) either the name of each bank, trust company, savings and loan association, or credit union into which each purchaser's funds were deposited and the number of each named account or the name of the insurance company in which the funeral establishment or branch establishment has been designated as the beneficiary or designated assignee;

(3) the amounts of each purchase pursuant to these agreements or policies;

(4) the date of each purchase;

(5) all prefinanced funeral agreements funded by an insurance policy or held in trust;

(6) the total number of all insurance-funded

agreements and the total dollar amount of all these agreements;

(7) the total number of all trust-funded agreements and the total dollar amount of all these agreements; and

(8) the total number of all prefinanced agreements and the total dollar amount of all these agreements.

(b) The reports shall accompany each funeral establishment's or branch establishment's biennial application for renewal of its funeral establishment or branch establishment license, as required by K.A.R. 63-3-19, and any notification from the secretary of the board made according to K.A.R. 63-2-7(b). Each report shall include all prefinanced funeral agreements entered into by the funeral establishment or branch establishment for which any merchandise or service has not yet been rendered.

(c) Each funeral director in charge of a funeral establishment or branch establishment may be required by the board to report the name and address of any purchaser and the corresponding account number described in subsection (a) above. The funeral director in charge of a funeral establishment or branch establishment shall report the additional information in writing within 10 days of receipt of the board's written request.

(d) Failure of any funeral director in charge of a funeral establishment or branch establishment to comply with this regulation shall be grounds for refusal or revocation of its funeral establishment, branch establishment, or funeral director license. (Authorized by and implementing K.S.A. 74-1707; effective May 1, 1984; amended May 1, 1986; amended Jan. 6, 1992; amended March 16, 1992; amended Jan. 12, 2001.)

63-3-21. General requirements relating to prefinanced funeral agreements. (a) Each funeral director shall transfer all funds obtained by any prefinanced funeral agreement funded by one or more insurance policies, upon request by the purchaser, to the funeral director that provides the services or merchandise, or both, as specified in the prefinanced funeral agreement.

(b) If any balance is left in the prefinanced funeral agreement funded by an insurance policy after the disposition of the funds according to the agreement, the funeral director shall pay the remaining balance to the purchaser, the estate of the deceased, or the family of the deceased. However, if the purchaser or the deceased received any

medical assistance from the department of social and rehabilitation services and if the department of social and rehabilitation services has provided the funeral director with written notice that the purchaser or the deceased had received medical assistance, then the funeral director shall pay the remaining balance, to the extent of the cost of the medical assistance expended on the purchaser or deceased recipient, to the secretary of social and rehabilitation services or the secretary's designee. (Authorized by K.S.A. 74-1707; implementing K.S.A. 2003 Supp. 16-311, as amended by L. 2004, ch. 36, sec. 2; effective March 16, 1992; amended Nov. 12, 2004.)

63-3-22. Inspections of funeral establishments and branch establishments. (a) Each funeral establishment and branch establishment shall be subject to routine inspections at least once every year by the board or its designee, to determine compliance with the "regulation of embalmers and funeral directors; funeral establishments" act and the board's regulations adopted under this act.

(b) Each funeral establishment and branch establishment may be subject to additional inspections if any of the following conditions exists:

(1) The funeral establishment or branch establishment incurred a violation in a previous inspection.

(2) A change occurred in ownership or in the funeral director in charge.

(3) The funeral director in charge did not timely renew the funeral establishment and branch establishment license.

(c) Inspections shall be made between the hours of 8:00 a.m. and 6:00 p.m., or at any time business is being conducted, unless otherwise agreed by both parties.

(d) Inspections shall be made by the board or its designee.

(e) Inspections of each funeral establishment and branch establishment may be authorized by the board or its executive secretary.

(f) The authorized inspection may be conducted without notice to the funeral director in charge. (Authorized by and implementing K.S.A. 2001 Supp. 65-1723; effective May 17, 2002.)

63-3-23. Inspection generated by a complaint. (a) Each funeral establishment or branch establishment shall be subject to inspection by the board or its designee, to investigate any specific complaint filed with the board.

(b) Any inspection generated by a complaint may be authorized by the board or its executive secretary at any time. Inspections shall be limited as follows:

(1) Inspections shall be made between the hours of 8:00 a.m. and 6:00 p.m., or at any time business is being conducted, unless otherwise agreed by both parties.

(2) Inspections shall be made by the board or its designee. (Authorized by and implementing K.S.A. 2001 Supp. 65-1723; effective May 17, 2002.)

Article 4.—FEES

63-4-1. Payment of fees. The following shall be charged by the Kansas state board of mortuary arts:

Embalmer's reciprocity application fee	\$350.00
Embalmer's reciprocity application and funeral director's reciprocity application fee, if submitted simultaneously	\$350.00
Embalmer's endorsement application fee	\$350.00
Embalmer's biennial license and renewal fee	\$168.00
Apprentice embalmer's registration fee	\$100.00
Funeral director's examination fee	\$200.00
Funeral director's reciprocity application fee	\$350.00
Funeral director's biennial license and renewal fee	\$228.00
Assistant funeral director's examination fee	\$50.00
Assistant funeral director's application fee	\$150.00
Assistant funeral director's biennial license and renewal fee	\$180.00
Funeral establishment and branch establishment biennial license and renewal fee	\$650.00
Funeral establishment and branch establishment license and crematory license fee, if submitted simultaneously	\$950.00
Funeral establishment and branch establishment license renewal and crematory license renewal fee, if submitted simultaneously	\$950.00
Crematory license and renewal fee	\$650.00
Duplicate license	\$15.00
Rule book	\$5.00

(Authorized by and implementing K.S.A. 65-1727, as amended by L. 2007, ch. 87, §2; effective May

1, 1983; amended May 1, 1986; amended May 1, 1987; amended, T-88-43, Jan. 1, 1988; amended May 1, 1988; amended Jan. 6, 1992; amended June 7, 1993; amended Jan. 1, 1994; amended Jan. 1, 1996; amended Jan. 1, 2000; amended May 17, 2002; amended Nov. 4, 2005; amended Feb. 8, 2008.)

Article 5.—ADMINISTRATIVE HEARINGS AND DISCIPLINARY ACTION

63-5-1. Definition of unprofessional or dishonorable conduct. “Unprofessional or dishonorable conduct” by a licensee shall include any of the following: (a) Misrepresentation or fraud in the conduct of the licensee's business;

(b) refusing or neglecting to promptly obtain, complete, and file any death certificate, out-of-state transportation permit, or coroner's permit to cremate;

(c) refusing or neglecting to file monthly reports of bodies prepared for burial in accordance with K.A.R. 28-17-16;

(d) refusing or neglecting to file quarterly progress reports as specified in K.A.R. 63-1-3 and K.A.R. 63-2-12;

(e) committing abuse or showing disrespect in the handling of a dead human body;

(f) interference with, failure in, breach of, or obstruction of the performance of the contractual duties or services between a licensee and either the next of kin or a legal representative of any deceased person;

(g) requiring the purchase of a casket as a condition to providing funeral services if the dead body is to be cremated;

(h) disclosure of the confidences or secrets of any party served or the use of these confidences or secrets to the disadvantage of any party served;

(i) using alcoholic liquor or using illegally a controlled substance while performing the duties or services of a licensee;

(j) placing any item on a funeral bill that is not a reasonable funeral expense;

(k) failure to pay, in a timely manner, the pre-financed funeral agreement audit fees assessed by the secretary of state; or

(l) gross negligence or repeated instances of ordinary negligence in the rendering of professional services as an embalmer, funeral director, or assistant funeral director. (Authorized by and implementing K.S.A. 2005 Supp. 65-1751; effective,

T-88-43, Oct. 27, 1987; effective May 1, 1988; amended Nov. 13, 1995; amended Jan. 12, 2001; amended Nov. 12, 2004; amended Feb. 16, 2007.)

63-5-2. (Authorized by and implementing K.S.A. 65-1711a, 74-1704; effective May 1, 1988; revoked Nov. 13, 1995.)

Article 6.—CONTINUING EDUCATION

63-6-1. Continuing education requirements. (a) Except as provided in subsection (d), each licensed embalmer or funeral director in this state shall submit with the license renewal application satisfactory proof of completion of a minimum of six clock-hours per year of continuing education credit approved by the board. Each licensee filing proof of completion of continuing education credit with the board on forms approved by the board shall file separately the verification of attendance at each continuing education activity. Compliance with this continuing education requirement shall be a prerequisite for each embalmer or funeral director license renewal.

(b) Continuing education credit may be obtained by attending and participating in continuing education courses or workshops approved by the executive secretary, continuing education committee, or the board if the program meets the requirements stated in K.A.R. 63-6-2.

(c) Any licensee desiring to obtain credit for completing more than 12 hours of approved continuing education credit during any two licensure years shall report this carry-over credit to the board on or before the expiration of the licensee's current license. The carry-over credit shall be limited to no more than six clock-hours.

(d) The continuing education requirements for each individual newly licensed shall be waived for the first-time renewal of that individual's license.

(e) No more than six hours shall be granted for any one approved continuing education topic.

(f) One hour of continuing education shall consist of at least 50 minutes of actual approved program time. (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective May 1, 1988; amended Jan. 6, 1992; amended April 3, 1995; amended Jan. 12, 2001; amended Nov. 12, 2004.)

63-6-2. Standards for approval. (a) A continuing education course or workshop shall be qualified for approval if the board determines that

the course or workshop meets the following conditions:

(1) Constitutes an organized program of learning, including a symposium, that contributes directly to the professional competency of the licensee;

(2) is related to the profession of mortuary science, funeral directing, or embalming with content intended to enhance the licensee's knowledge, skill, values, ethics, or ability to practice as an embalmer or funeral director;

(3) is conducted by individuals considered experts in the subject matter of the program by reason of education, training, or experience; and

(4) is accompanied by a paper, a manual or a written outline that substantially describes the subject matter and length of the program.

(b) Continuing education credit not exceeding three credit hours of the annual total required hours may be approved by the board for any of the following:

(1) Correspondence work;

(2) video, sound-recorded, or television programs;

(3) information transmitted by other similar means as authorized by the board; or

(4) community service programs that are related to the profession of mortuary science, funeral directing, or embalming.

(c) Continuing education credit for service as a lecturer, presenter, or discussion leader may be approved by the board if this activity contributes to the professional competence of the applicant. Repetitions of an initial presentation shall not be counted. Not more than 50 percent of the total required hours may be satisfied in this manner.

(d) The maximum number of credit hours that shall be granted for any single continuing education course or workshop single topic is six.

(e) Lists of approved continuing education programs shall be furnished periodically by the board to licensed funeral establishments and to requesting licensees not employed by a licensed Kansas funeral establishment or branch establishment.

(f) A person, licensed embalmer, licensed funeral director, or organization requesting approval for a continuing education course or a workshop shall make application at least 30 days before the date of each proposed course or workshop. Applications filed but not meeting this deadline shall be reviewed by the board or the continuing education committee at its next regularly scheduled

meeting. (Authorized by and implementing K.S.A. 65-1702, K.S.A. 65-1716; effective May 1, 1988; amended April 3, 1995; amended Jan. 12, 2001.)

63-6-3. Post approval and review. (a) Each licensed embalmer or funeral director seeking continuing education credit for prior attendance or participation in a program or activity that has not already been approved shall submit, on forms provided by the board, the following information to the board:

- (1) The dates;
- (2) the subject matter;
- (3) the names of the instructors and their qualifications, if applicable;
- (4) a description of the program or activity; and
- (5) the number of credit hours requested.

A complete written outline describing the subject matter or activity and the time of the program shall accompany all requests. Within 90 days after receipt of the application, the licensee seeking credit shall be advised by the board, in writing and by mail, whether the activity is approved and the number of credit hours allowed. Any licensee may be denied credit if the licensee fails to comply with the requirements of this subsection.

(b) Review of programs. Any continuing education program already approved by the board may be monitored or reviewed by the board. Upon evidence of variation in the program presented from the program approved, all or any part of the program may be disapproved. (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective May 1, 1988; amended June 26, 1989; amended April 3, 1995; amended Jan. 12, 2001.)

63-6-4. (Authorized by K.S.A. 65-1716; effective May 1, 1988; revoked Nov. 13, 1995.)

63-6-5. Report of licensee. Each licensee shall file with the board a signed report of continuing education credit hours completed and of any time when the licensee was exempted by K.S.A. 65-1702(f) and 65-1716(f) during the continuing education compliance period. The licensee shall file the report with the application for renewal of license. (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective May 1, 1988; amended Nov. 13, 1995.)

63-6-6. Inactive status. (a) Disability or illness shall be a sufficient cause for exemption under K.S.A. 65-1702 and 65-1716, and amendments thereto.

(b) Any licensee who is not engaged in practice in the state of Kansas may be granted a waiver of compliance and obtain a certificate of exemption upon written application to the board. Each application shall contain a statement that the applicant will not engage in the practice of embalming or funeral directing in Kansas without first complying with all regulations governing reinstatement after exemption. Each application for a certificate of exemption shall be submitted on the form provided by the board.

(c) Any inactive practitioner who has been granted a waiver of compliance with article six of these regulations, and who obtains a certificate of exemption, may give notice to the board of the termination of inactive status and request reinstatement of the license.

(1) Upon receipt by the board of a request for reinstatement to active license status and payment of the reinstatement fee, the person's license shall be reinstated.

(2) Within one year of reinstatement, each licensee shall make up all past continuing education hours for all the years of inactive licensure.

(3) Failure to comply with paragraph (c)(2) shall result in automatic termination of active status. (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective May 1, 1988; amended June 26, 1989; amended Jan. 12, 2001.)

63-6-7. (Authorized by K.S.A. 65-1712, 65-1723; implementing K.S.A. 65-1702, 65-1716; effective May 1, 1988; revoked June 26, 1989.)

63-6-8. (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective May 1, 1988; revoked June 26, 1989.)

Article 7.—CREMATORIES

63-7-1. Definitions. (a) "Board" means the Kansas state board of mortuary arts.

(b) "Coroner's permit to cremate" means the document that is required to be issued by a Kansas coroner before the act of cremation.

(c) "Change of ownership" means the transfer of more than 25 percent of the stock or assets of a licensed crematory.

(d) "Closed container" means any container in which cremated remains can be placed and closed in a manner that prevents both the leakage or spillage of remains and the entrance of foreign material.

(e) "Crematory act" means K.S.A. 65-1760 through K.S.A. 65-1768 and amendments thereto.

(f) "Cremation container" means the container in which human remains are transported to the crematory and placed in the cremation chamber for a cremation. A cremation container shall meet all of the following requirements:

(1) Be composed of readily combustible materials suitable for cremation;

(2) be able to be closed in order to provide a complete covering for the human remains;

(3) be resistant to leakage or spillage;

(4) be rigid enough for handling with ease; and

(5) be able to provide protection for the health, safety, and personal integrity of crematory personnel.

(g) "Cremation interment container" and "urn vault" mean a rigid outer container that meets both of the following requirements, subject to each cemetery's policies:

(1) Is composed of concrete, steel, fiberglass, or a similar material in which an urn is placed before being interred in the ground; and

(2) is designed to withstand prolonged exposure to the elements and to support the earth above the urn.

(h) "Final disposition" means the burial or other disposition on a permanent basis of a dead human body, cremated remains, or parts of a dead human body.

(i) "Niche" means a compartment or cubicle for the memorialization or permanent placement of an urn containing cremated remains.

(j) "Person" means an individual, partnership, association, or corporation.

(k) "Processing" means the reduction of identifiable bone fragments after the completion of the cremation process to unidentifiable bone fragments by manual or mechanical means.

(l) "Pulverization" means the reduction of identifiable bone fragments after the completion of the cremation and processing to granulated particles by manual or mechanical means.

(m) "Scattering area" means a designated area for the scattering of cremated remains usually in a cemetery and on dedicated cemetery property where cremated remains that have been removed from their container can be mixed with, or placed on top of, the soil or ground cover or can be buried in an underground receptacle on a commingled basis. (Authorized by and implementing K.S.A. 2001 Supp. 65-1766; effective May 17, 2002.)

63-7-2. Crematory operator in charge; recordkeeping.

(a) The crematory operator in charge shall furnish to each person who delivers human remains to the crematory a receipt showing the date and time of the delivery, the name of the person from whom the human remains were received, the name of the person who received the human remains on behalf of the crematory, and the name of the decedent. The crematory operator in charge shall retain a copy of this receipt in its permanent records.

(b) Upon the release of cremated remains, the crematory operator in charge shall furnish to the person who receives the cremated remains from the crematory a receipt signed by the person who receives the cremated remains and showing the date of the release, the identification number of the deceased, and the name of the decedent. The crematory operator in charge shall retain a copy of this receipt in its permanent records.

(c) Required records. Each crematory operator in charge shall create and maintain on the premises an accurate record of every cremation provided. The records shall include all of the following information for each cremation:

(1) The name of the person, funeral establishment, or branch establishment delivering the body for cremation;

(2) the name of the deceased and the identification number assigned to the body;

(3) the time and date of acceptance of delivery;

(4) the date that the body was placed in the cremation chamber;

(5) the date and the name of the individual receiving the cremated remains;

(6) the name and address of the person who signed the authorization to cremate; and

(7) all supporting documentation, including the coroner's permit to cremate and the authorizing agent's authorization to cremate.

(d) The records required under subsection (c) shall be maintained for a period of five calendar years after the release of the cremated remains. Following this period, the crematory operator in charge may then place the records in storage or reduce them to microfilm, microfiche, laser disc, or any other method that can produce an accurate reproduction of the original record, for retention for a period of seven calendar years from the date of the release of the cremated remains. At the end of this period, the crematory operator in charge may destroy the records by shredding, incinera-

tion, or any other manner that protects the privacy of the individuals identified.

(e) The crematory operator in charge shall maintain a permanent record of the name of the deceased and the date the deceased's body was cremated.

(f) The crematory operator in charge shall maintain a permanent record of all cremated remains disposed of by the crematory. (Authorized by and implementing K.S.A. 2001 Supp. 65-1723, 65-1762, and 65-1766; effective May 17, 2002.)

63-7-3. Crematory license; biennial renewals. (a) Each crematory operator in charge who desires to renew a license shall submit a biennial renewal application to the state board of mortuary arts, accompanied by a fee fixed by the state board of mortuary arts. The application and fee shall be due and paid to the state board of mortuary arts on or before the expiration date of the license.

(b) (1) Each crematory license shall be renewed before its expiration date, according to the first letter of the name of the crematory, as follows:

(A) H through J and T through Z shall expire on March 31.

(B) E through G and R through S shall expire on June 30.

(C) C and D, and N through Q shall expire on September 30.

(D) A and B, and K through M shall expire on December 31.

(2) The license of each crematory with a name beginning with any of the letters A through J shall expire in odd-numbered years. The license of each crematory with a name beginning with any of the letters K through Z shall expire in even-numbered years.

(c) At least 30 days before a change in ownership, name, or location of any crematory or a change in the crematory operator in charge, the crematory operator in charge shall apply for a crematory license. The crematory operator in charge shall receive a new license before conducting business under new ownership, under a new name, at a new location, or with a new crematory operator in charge.

(d) When a change in ownership of a crematory occurs, the crematory operator in charge shall submit a new license application fee prorated in accordance with subsection (b).

(e) For a name change of a crematory, the crematory operator in charge shall submit a license

fee for a new license. The license fee shall be prorated in accordance with subsection (b), with a credit towards the prorated fee based on all unused months of the previous license.

(f) For a location change or change in crematory operator in charge of a crematory, the crematory operator in charge shall submit a duplicate license fee for the amount specified in K.A.R. 63-4-1.

(g) The fee for each initial crematory license shall be charged on a prorated basis to the nearest whole month specified under subsection (b).

(h) Each crematory license shall be prominently displayed at all times.

(i) Each crematory operator in charge of a crematory shall promptly notify the executive secretary of the board of any change of address of record for the crematory operator in charge. (Authorized by K.S.A. 2001 Supp. 65-1727 and 65-1766; implementing K.S.A. 2001 Supp. 65-1727, 65-1766, and 65-1768; effective May 17, 2002.)

63-7-4. Responsibility of a crematory operator in charge. Each person who owns an interest in a Kansas crematory shall employ at all times and for each crematory a crematory operator in charge, who shall be responsible for personal supervision and charge of the crematory. (Authorized by and implementing K.S.A. 2001 Supp. 65-1723 and 65-1762; effective May 17, 2002.)

63-7-5. Requirements for crematories. (a) Necessary equipment. Each crematory operator in charge shall ensure that each crematory under that individual's supervision maintains on the premises a motorized or mechanical device for processing cremated remains. This and all other equipment shall be kept in good working condition and inspected by the board.

(b) Holding facility. Each crematory operator in charge shall ensure that each crematory under that individual's supervision has a holding facility that is secure from access by anyone except crematory personnel authorized by the crematory operator in charge.

(c) Sanitary conditions. All portions of each crematory shall be kept in a clean and sanitary condition. (Authorized by and implementing K.S.A. 2001 Supp. 65-1762 and 65-1766; effective May 17, 2002.)

63-7-6. Licensure applications for cre-

matories. (a) Each crematory operator in charge shall submit a completed application for a crematory license for each crematory that was in existence before January 1, 2002 and that the individual currently supervises. The application shall be submitted in writing on forms provided by the state board of mortuary arts and shall contain the following information:

(1) The name, address, and location of the crematory;

(2) the name and form of ownership of the business;

(3) the names and titles of all individual owners or, if a corporation, all officers;

(4) evidence confirming the date the crematory was established;

(5) a description of the type of structure and equipment being used in the operation of the crematory;

(6) verification of compliance with all applicable local and state building codes, zoning laws, ordinances, and environmental standards; and

(7) any further information that the state board of mortuary arts may require regarding compliance with the crematory act.

(b) Each crematory operator in charge shall submit a completed application for a crematory license for each crematory that came into existence on or after January 1, 2002 and that the individual currently supervises. The application shall be submitted in writing on forms provided by the state board of mortuary arts and shall contain the following information:

(1) The name, address, and location of the crematory;

(2) the name and form of ownership of the business;

(3) the names and titles of all individual owners or, if a corporation, all officers;

(4) a description of the type of structure and equipment to be used in the operation of the crematory;

(5) verification of compliance with all applicable local and state building codes, zoning laws, ordinances, and environmental standards; and

(6) any further information that the state board of mortuary arts may require regarding compli-

ance with the crematory act. (Authorized by and implementing K.S.A. 2001 Supp. 65-1766; effective May 17, 2002.)

63-7-7. Inspection of crematories. (a) Each crematory shall be subject to routine inspections at least once a year by the board or its designee, to determine compliance with the crematory act and the board's regulations adopted under this act.

(b) A crematory may be subject to additional inspections if any of the following conditions exists:

(1) The crematory incurred a violation in a previous inspection.

(2) A change occurred in ownership or in the crematory operator in charge.

(3) The crematory operator in charge did not timely renew the crematory license.

(c) Inspections shall be made between the hours of 8:00 a.m. and 6:00 p.m., or at any time business is being conducted, unless otherwise agreed by both parties.

(d) Inspections shall be made by the board or its designee.

(e) Inspections of crematories may be authorized by the board or its executive secretary.

(f) Any authorized inspection may be conducted without notice to the crematory operator in charge. (Authorized by and implementing K.S.A. 2001 Supp. 65-1723; effective May 17, 2002.)

63-7-8. Inspection generated by a complaint. (a) Each crematory shall be subject to inspection by the board or its designee, to investigate any specific complaint filed with the board.

(b) Any inspection generated by a complaint may be authorized by the board or its executive secretary at any time. Inspections shall be limited as follows:

(1) Inspections shall be made between the hours of 8:00 a.m. and 6:00 p.m., or at any time business is being conducted, unless otherwise agreed by both parties.

(2) Inspections shall be made by the board or its designee. (Authorized by and implementing K.S.A. 2001 Supp. 65-1723; effective May 17, 2002.)